
Status & Remarks

The application presently contains the following claims:

<i>Independent Claim #</i>	<i>Dependent Claim #s</i>
21	1-20, 22-24
25	26-48

Claims 1, 16, 19 and 21 are amended in this response. Claims 23-48 are newly added. Support for the newly added claims may be found with reference to the originally submitted figures and associated text, particularly paragraphs [0061] through [0063] as well as with reference to the originally submitted claims.

The examiner had previously represented that currently there is no generic claim. By amendment, the applicant's attorney has submitted generic claims #21 and #25 which read on both species identified by the examiner, yet defines in a patentable manner over the Prior Art identified. Additionally, claims 23-24 are also generic in addition to claim #21 as are claims 27-28 in addition to claim #25. The applicant's attorney would respectfully request that the examiner evaluate these generic claims, and the additional species which are written in dependent form.

Currently, the following claims read upon the associated species.

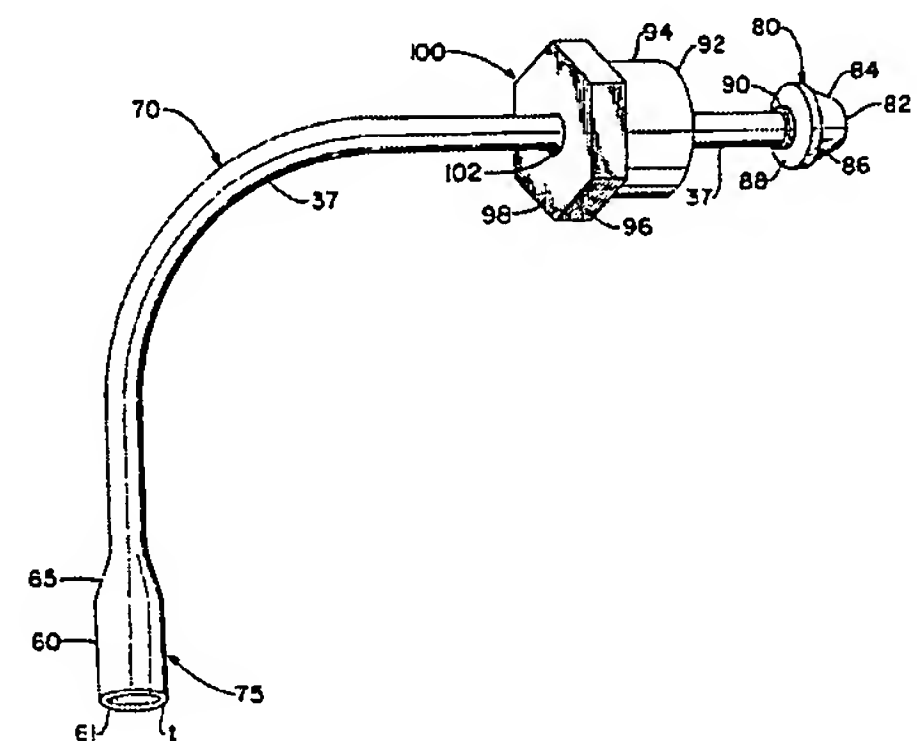
<i>Specie</i>	<i>Claim #s</i>	<i>New Claim #s</i>
A	21-24, 1-6	25-28, 29-34
B	21-24, 7-20	25-28, 35-48

35 U.S.C. §102

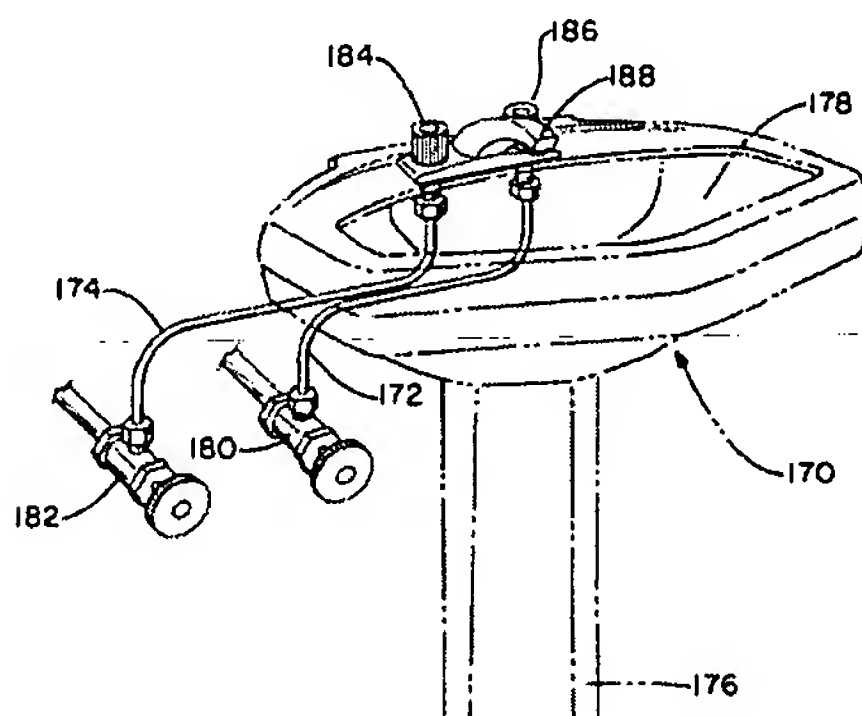
The examiner has rejected claims 7-22 under this section, subparagraph (b) as being anticipated by Rowley (USP 5,861,200). The applicant's attorney would respectfully request the examiner to reevaluate this initial position in light of the following arguments and amendments which have been made to the claims.

First, it should be noted that the Rowley '200 patent teaches the value of an all-plastic conduit which is encased by thin-walled copper tubing in which at least one end of the tubing has been processed, e.g., to form sealing surfaces as illustrated by molded end cap 80 shown in FIGS. 7-10 or to form belled ends as illustrated by belled end 75 in those same figures.

However, the Rowley '200 patent does not disclose any connecting means which requires insertion into one end of the polymeric tube and which connects a second polymeric tube. In fact, the metallic enclosed polymeric tubes illustrated



in Rowley '200 are not designed for connecting to each other. This is clearly shown in FIG. 26 of the patent. The goal of these tubes was to be able to form geometric input water lines for pedestal sinks. It utilizes conventional compression fittings (118) (e.g., brass O-rings or ferrules) to effect sealing engagement with a fixture. The tubes are NOT intended to be linked together, nor is this taught.



The examiner indicates that Rowley '200 teaches post-processing of the metallic-encased tube to effect contacting engagement between the interior surface of the outer polymeric tube and the inner surface of the metallic tube (Figs. 1-7). With due respect for the position advanced by the examiner, Figs. 1-7 have absolutely nothing to do with contacting engagement between polymeric and metallic tubes, but rather only teach how to make a polymeric belled end without wall thinning.

For the Figures which do illustrate some copper tubing about polymeric tubing, namely Figs. 20 & 26-27, the lengths of copper tubing within which the conduit is encased are illustrated to be limited, and therefore

the dimensions between the respective internal and external diameters are able to be fairly tight. By contrast, the instant invention is designed for use with long lengths of tubing, and it is simply not possible to manually insert polymeric tubes into long copper tubes with tight tolerances between the respective internal and external diameters.

The examiner has identified Figs. 17-18 as illustrating inserting a sealing means about the exterior of the metallic tube which is radially above the inserted connecting means so as to join the connecting means to the inner polymeric tube and also has identified col. 10, lines 57+ for support. Once again, with due respect for the examiner's position, it is submitted that only in Fig. 18 is there any illustration of an inserted connector with sealing surface. And in that embodiment, there is NO metallic outer tube. Therefore, the reference which is illustrated as "Prior Art" is not an anticipatory §102 reference since it does not show any metallic outer tube.

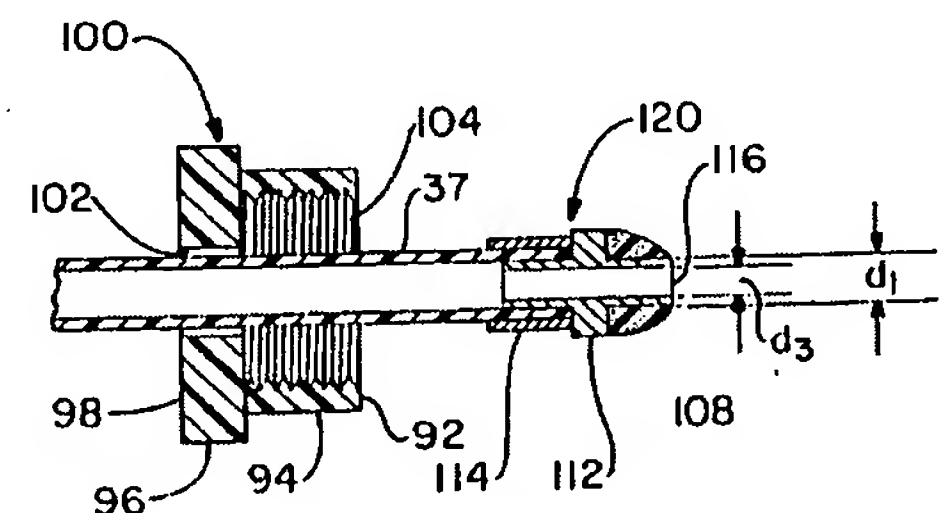
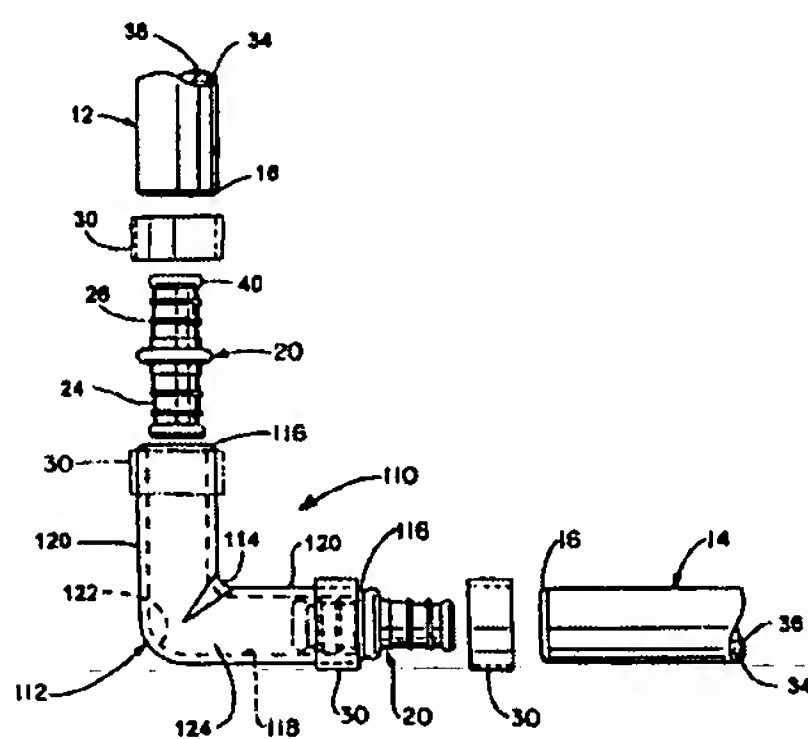


FIG. -18 PRIOR ART



Only the current invention illustrates the use of various connector inserts (e.g., 20) which are optionally incorporated into a connector fitting (e.g., 158) and which are held into the inner polymeric tube by copper or brass or other metallic crimp ring (30) in one embodiment, or compression fit without a crimp ring in another embodiment, to effect the leak-proof engagement by radial compression on the outer metallic tube thereby in turn effecting radial compression by the inner polymeric tube on the at least partially inserted connector insert.

There is no teaching in Rowley '200 as to how this may be done and the patent no longer serves as an anticipatory reference to the pending claims as amended.

Request for Reconsideration

Applicant believes that all independent claims clearly define over the prior art and that the distinctions between the present invention and the prior art would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, by the limitations contained in the base independent claims, are felt to be patentable over the prior art by virtue of their dependency from independent claims which distinguish

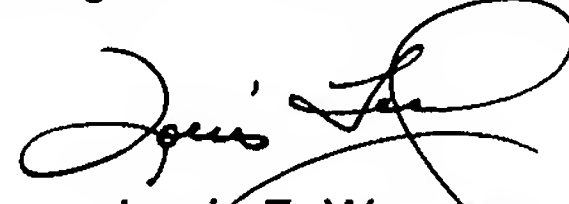
over the prior art of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the examiner. A fee determination sheet is attached for this amendment response. The Commissioner is hereby authorized to charge any additional fee required to affect the filing of this document to Account No. 50-0983.

It is respectfully submitted that all references identified by the examiner have been distinguished in a non-obvious way. If the examiner believes that a telephonic conversation would facilitate a resolution of any and/or all of the outstanding issues pending in this application, then such a call is cordially invited at the convenience of the examiner.

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Respectfully Submitted,
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